

By: Metcalf

H.B. No. 2031

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the assessment of public school students and the  
3 provision of accelerated instruction to students who fail to  
4 achieve satisfactory performance on certain assessment  
5 instruments.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. The heading to Section 28.0211, Education Code,  
8 is amended to read as follows:

9 Sec. 28.0211. [~~ACCELERATED LEARNING COMMITTEE,~~  
10 ACCELERATED INSTRUCTION[~~, MODIFIED TEACHER ASSIGNMENT~~].

11 SECTION 2. Sections 28.0211(a-1), (a-4), (g), and (i),  
12 Education Code, are amended to read as follows:

13 (a-1) Each time a student fails to perform satisfactorily on  
14 an assessment instrument administered under Section 39.023(a) in  
15 the third, fourth, fifth, sixth, seventh, or eighth grade, the  
16 school district in which the student attends school shall provide  
17 to the student accelerated instruction in the applicable subject  
18 area during the subsequent summer or school year and [~~either:~~

19 [~~(1) allow the student to be assigned a classroom~~  
20 ~~teacher who is certified as a master, exemplary, or recognized~~  
21 ~~teacher under Section 21.3521 for the subsequent school year in the~~  
22 ~~applicable subject area, or~~

23 [~~(2)~~] provide the student supplemental instruction  
24 under Subsection (a-4).

1           (a-4) If a district receives funding under Section 29.0881,  
2 the Coronavirus Response and Relief Supplemental Appropriations  
3 Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan  
4 Act of 2021 (Pub. L. No. 117-2), then supplemental instruction  
5 provided by a school district [~~under Subsection (a-1)(2)~~] must:

6           (1) include targeted instruction in the essential  
7 knowledge and skills for the applicable grade levels and subject  
8 area;

9           (2) be provided in addition to instruction normally  
10 provided to students in the grade level in which the student is  
11 enrolled;

12           (3) be provided for no less than 30 total hours during  
13 the subsequent summer or school year and, unless the instruction is  
14 provided fully during summer, include instruction no less than once  
15 per week during the school year;

16           (4) be designed to assist the student in achieving  
17 satisfactory performance in the applicable grade level and subject  
18 area;

19           (5) include effective instructional materials  
20 designed for supplemental instruction;

21           (6) be provided to a student individually or in a group  
22 of no more than three students, unless the parent or guardian of  
23 each student in the group authorizes a larger group;

24           (7) be provided by a person with training in the  
25 applicable instructional materials for the supplemental  
26 instruction and under the oversight of the school district; and

27           (8) to the extent possible, be provided by one person

1 for the entirety of the student's supplemental instruction period.

2 (g) This section does not preclude the retention at a grade  
3 level, in accordance with state law or school district policy, of a  
4 student who performs satisfactorily on an assessment instrument  
5 specified under Subsection (a-1) [~~(a)~~].

6 (i) The admission, review, and dismissal committee of a  
7 student who participates in a district's special education program  
8 under Subchapter A, Chapter 29, and who does not perform  
9 satisfactorily on an assessment instrument specified under  
10 Subsection (a-1) [~~(a)~~] and administered under Section 39.023(a) or  
11 (b) must meet to determine the manner in which the student will  
12 participate in an accelerated instruction program under this  
13 section.

14 SECTION 3. Section 39.023, Education Code, is amended by  
15 amending Subsections (a), (c), and (c-2) and adding Subsection (q)  
16 to read as follows:

17 (a) The agency shall adopt or develop appropriate  
18 criterion-referenced assessment instruments designed to assess  
19 essential knowledge and skills in reading, mathematics, [~~social~~  
20 ~~studies,~~] and science. Except as provided by Subsection (a-2), all  
21 students, other than students assessed under Subsection (b) or (l)  
22 or exempted under Section 39.027, shall be assessed in:

23 (1) mathematics, annually in grades three through  
24 eight;

25 (2) reading, annually in grades three through eight;

26 (3) [~~social studies, in grade eight,~~

27 [~~(4)~~] science, in grades five and eight; and

1           (4) [~~(5)~~] any other subject and grade required by  
2 federal law.

3           (c) The agency shall also adopt end-of-course assessment  
4 instruments for secondary-level courses in reading, mathematics,  
5 and science only as necessary to comply with the Every Student  
6 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered  
7 only as necessary to meet the minimum requirements of that Act  
8 ~~[Algebra I, biology, English I, English II, and United States~~  
9 ~~history. The Algebra I end-of-course assessment instrument must~~  
10 ~~be administered with the aid of technology, but may include one or~~  
11 ~~more parts that prohibit the use of technology. The English I and~~  
12 ~~English II end-of-course assessment instruments must each assess~~  
13 ~~essential knowledge and skills in both reading and writing and must~~  
14 ~~provide a single score]. A school district shall comply with State  
15 Board of Education rules regarding administration of the assessment  
16 instruments adopted under [~~listed in~~] this subsection. If a  
17 student is in a special education program under Subchapter A,  
18 Chapter 29, the student's admission, review, and dismissal  
19 committee shall determine whether any allowable modification is  
20 necessary in administering to the student an assessment instrument  
21 required under this subsection. The State Board of Education shall  
22 administer the assessment instruments. An end-of-course  
23 assessment instrument may be administered in multiple parts over  
24 more than one day. The State Board of Education shall adopt a  
25 schedule for the administration of end-of-course assessment  
26 instruments that complies with the requirements of Subsection  
27 (c-3).~~

1 (c-2) The agency may adopt end-of-course assessment  
2 instruments for courses for which end-of-course assessment  
3 instruments are not adopted under [~~not listed in~~] Subsection  
4 (c). A student's performance on an end-of-course assessment  
5 instrument adopted under this subsection is not subject to the  
6 performance requirements established under Subsection (c) or  
7 Section 39.025.

8 (g) Notwithstanding any provision of this section or other  
9 law, if changes made to the Every Student Succeeds Act (20 U.S.C.  
10 Section 6301 et seq.) reduce the number or frequency of assessment  
11 instruments required to be administered to students, the State  
12 Board of Education shall adopt rules reducing the number or  
13 frequency of assessment instruments administered to students under  
14 state law, and the commissioner shall ensure that students are not  
15 assessed in subject areas or in grades that are no longer required  
16 to meet the minimum requirements of that Act.

17 SECTION 4. Section 39.025(a-1), Education Code, is amended  
18 to read as follows:

19 (a-1) A student enrolled in a college preparatory  
20 mathematics or English language arts course under Section 28.014  
21 who satisfies the Texas Success Initiative (TSI) college readiness  
22 benchmarks prescribed by the Texas Higher Education Coordinating  
23 Board under Section 51.334 on an assessment instrument designated  
24 by the coordinating board under that section administered at the  
25 end of the college preparatory mathematics or English language arts  
26 course satisfies the requirements concerning and is exempt from the  
27 administration of the mathematics or reading [~~Algebra I or the~~

1 ~~English I and English II~~] end-of-course assessment instrument  
2 [~~instruments~~], as applicable, [~~as prescribed by Section~~  
3 ~~39.023(c)~~], even if the student did not perform satisfactorily on a  
4 previous administration of the applicable end-of-course assessment  
5 instrument. A student who fails to perform satisfactorily on the  
6 assessment instrument designated by the coordinating board under  
7 Section 51.334 administered as provided by this subsection may  
8 retake that assessment instrument for purposes of this subsection  
9 or may take the appropriate end-of-course assessment instrument.

10 SECTION 5. Section 39.203(c), Education Code, is amended to  
11 read as follows:

12 (c) In addition to the distinction designations described  
13 by Subsections (a) and (b), a campus that satisfies the criteria  
14 developed under Section 39.204 shall be awarded a distinction  
15 designation by the commissioner for outstanding performance in  
16 academic achievement in reading [~~English language arts~~],  
17 mathematics, or science[, ~~or social studies~~].

18 SECTION 6. The following provisions of the Education Code  
19 are repealed:

20 (1) Sections 28.0211(a), (a-5), (c), (f), (f-1),  
21 (f-2), (f-3), (f-4), (f-5), (n), and (n-1); and

22 (2) Section 39.023(c-9).

23 SECTION 7. This Act applies beginning with the 2023-2024  
24 school year.

25 SECTION 8. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.